

Dividing Land in Sangamon County

SPRINGFIELD-SANGAMON COUNTY REGIONAL PLANNING COMMISSION INFORMATION SERIES

The division of property in Sangamon County may be accomplished in several ways. Most land divisions must receive approval from either the Sangamon County Plat Officer or the Sangamon County Board. This document briefly describes these processes. Planning Commission staff can assist interested property owners in making the determination as to which method is most appropriate.

All divisions of property must meet the following requirements:

- **Zoning:** Requirements in the respective zoning district must be met, including lot area, lot width, and yard dimensions.
- **Floodplain:** Each lot created must have at least the required minimum lot area located above the 100-year base flood elevation.
- **Road Access:** All tracts must have direct access to a public road. Easements do not meet this requirement.

PLEASE NOTE: Any properties located within 1.5 miles of the corporate limits of Chatham, Pawnee, Riverton, Rochester, Sherman, or Williamsville, are also subject to the subdivision ordinance of that municipality, and their requirements may differ from the requirements discussed here. Property owners interested in dividing properties within the 1.5 mile jurisdiction of these municipalities should contact the appropriate local officials to discuss their requirements.

Tract Survey

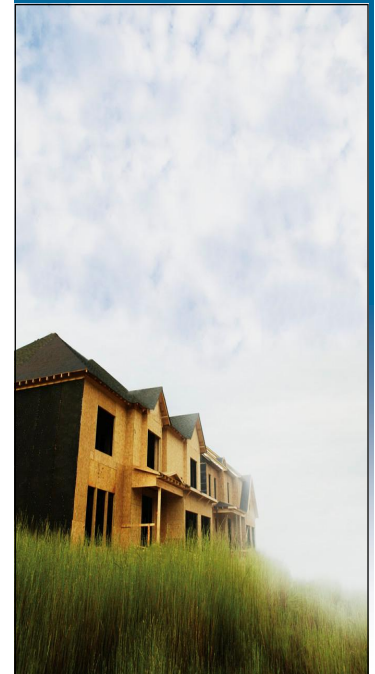
Divisions of land creating tracts less than five acres usually require approval through the County's subdivision process. However, based on the history of the property, one tract less than five acres may be approved by tract survey. Tract survey approval is obtained from the Sangamon County Plat Officer, located in the Planning Commission office, where information on the procedure and requirements is available.

Subdivision Approval

The procedure for dividing land through the subdivision process begins at the Planning Commission office and requires further consideration by the Commission's Land Subdivision Committee and the County Board. Literature and assistance on the subdivision process is available at the Planning Commission Office.

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Metes and Bounds Survey

Any division of land that cannot be described as part of a platted lot or as a fractional part (see below) requires a metes and bounds survey. All metes and bounds divisions must receive approval either as a tract survey or through the subdivision process. Generally, a contiguous owner division can be approved as a tract survey.

Division of Platted Lots

A lot in a subdivision that was approved through the current subdivision process can be divided under the following procedures. For a lot in an estate plat, County Clerk's plat, or other similar subdivision, see the section above concerning metes and bounds.

Minor lot line adjustment: If a portion of a lot is being conveyed to an adjacent landowner and can be described simply, such as "the east 5' of lot 9", approval is not required. However, all zoning requirements must be met.

Other conveyance to an adjacent owner: If the portion of a lot being conveyed to an adjacent land owner requires a metes and bounds legal description, then tract survey approval, discussed above, is required.

New building site: A platted lot of less than one acre can be divided into two or more lots with tract survey approval. The exception to this would be a lot in a minor subdivision if the maximum number of lots (4) for a minor subdivision have already been created. Division is then approved through the subdivision process as is division of a platted lot of one acre or more.

Fractional Part Division

For the purposes of the subdivision ordinance, a fractional part division may be allowed. A fractional part division is one that creates a tract with a legal description of a fraction of a quarter section, with acreage divisible by 5, and with no easements required for access. In an agricultural zoning district no resulting fractional part or remaining parcel shall be less than 40 acres. An example would be: The NW 1/4 of the SE 1/4 of section 12, T13N, R5W (40 acres). A fractional part division does not require approval, but all zoning requirements must be met.

Divisions of Property Zoned Agricultural



On May 8, 2001, the Sangamon County Board adopted changes to the zoning and subdivision regulations that directly impact land divisions in the County. The most noticeable

change is the minimum lot area in an agricultural zoning district which was previously one acre but is now 40 acres. The purpose of this provision is to protect prime farmland and preserve the rural character of the County. This regulation applies only to newly created tracts. All existing tracts are "grandfathered" in and can be used as permitted under the designated zoning district regulations. There are two options for dividing land in an agricultural zoning district that provide alternatives to the 40 acre lot area.

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One Time Exemption: In an agricultural zoning district, there is a one time exemption to the 40 acre minimum lot area requirement available to owners of property of 40 acres or more. This exception to the bulk zoning regulations allows the creation of one tract of between 1 acre and 5 acres for each 40 acres the property owner held on May 8, 2001. If the property was purchased after this date or has otherwise changed hands, this exemption is no longer available.

Rezoning Property: A landowner may request a rezoning of the property which would reduce the minimum lot area requirement. Part of the rezoning consideration involves the County's Land Evaluation and Site Assessment (LESA) process, a rating system to assess the desirability of developing the property. Planning Commission staff can assist a property owner concerning this assessment. The Planning Commission does not recommend this process if its sole purpose is to create a new residential lot not associated with any agricultural purposes.

Property owners interested in dividing their property are encourage to contact the Planning Commission to review legal requirements and determine if the requirements of any other municipal jurisdictions apply.

SSCRPC Information Series documents are intended to provide a brief guide for informational purposes only and should not be relied upon for a thorough understanding of the subject. They are not intended to provide a legal opinion and do not. Those seeking legal guidance concerning matters coming before the Springfield-Sangamon County Regional Planning Commission, the Sangamon County Board, or any of their boards, commissions or committees, are encouraged to obtain appropriate legal counsel. For more detailed information, please refer to the appropriate sections of Sangamon County code. County

ordinances change over time, so please refer to the current code of ordinances. Municipal jurisdictions located in Sangamon County have their own regulations, so these local codes should be consulted. If you are unsure about jurisdiction, or seek additional information, please contact the Planning Commission at 217-535-3110, or e-mail us at sscrpc@co.sangamon.il.us.

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